

REMARKS

In the January 11, 2006 Office Action, the Examiner noted that claims 28-60 were pending in the application and rejected claims 28-60 under 35 USC § 103(a). In rejecting the claims, translation PTO 03-4961 of German Patent No. 19548387C1 to Pfaff and U.S. Patents 5,651,006 to Fujino et al. (References N and A, respectively, in the February 27, 2004 Office Action); 5,678,006 to Valizadeh et al.; and 5,870,474 to Wasilewski et al. (References A and B, respectively, in the July 6, 2005 Office Action) were cited. Claims 61 and 62 have been added and thus, claims 28-62 remain in the case. The Examiner's rejections are traversed below.

In the Response to Arguments on pages 2-5 of the Office Action, the Examiner asserted that "[t]here is nothing in the recited claim which prohibits 'at least one cryptographic process' from including the steps of first extracting the encoded message and then encrypting the extracted message" (Office Action, page 2, lines 17-19). Specifically, the Examiner asserted that "[e]xtracting the encoded message and then encrypting it reads on 'subjecting the encoded message to at least one cryptographic process'" (Office Action, page 2, lines 19-21).

Applicants strongly disagree with the incorrect (not broad) interpretation of the language recited in the claims. For example, line 5 of claim 28 requires "subjecting the encoded message to at least one cryptographic process" which requires that the "at least one cryptographic process" be applied to "the encoded message" not to a decoded message which is what happens in Wasilewski et al. (as discussed in the Amendment filed by Certificate of Mailing on October 11, 2005 and received by the U.S. Patent and Trademark Office on October 11, 2005). While the word "comprising" (e.g., claim 28, line 2) permits other operations to be performed in addition to those recited in the claims, such that a decoding operation could be performed on the "cryptographically processed message" (e.g., claim 28, line 6) prior to the encoding operation recited on the last two lines of claim 28, no such decoding operation can be performed on "the encoded message" (e.g., claim 28, line 5) produced by the encoding operation recited on lines 3-4 of claim 28 prior to the "at least one cryptographic process" recited on line 5 of claim 28, because line 5 of claim 28 recites "subjecting **the encoded message** to at least one cryptographic process" (e.g., claim 28, line 5, emphasis added).

The scenario that the Response to Arguments section of the January 11, 2006 Office Action asserted was encompassed by the limitations in claims 28-30, 35, 39-43, 45 and 50-52, includes "extracting the encoded message and then encrypting the extracted message" (Office Action, page 2, lines 17-19). It is assumed that this is a reference to the teaching in Wasilewski et al. that

SABER 20 receives the MPEG-2 transport packets from the SP 110, via data link 140, encapsulated in the network protocol of that link ... [and] extracts the MPEG-2 transport packets, adds conditional access, and then re-encapsulates the packets in a second protocol (which may be the same or different from the first protocol)

(column 6, lines 19-26). As a result of the extraction process, the extracted MPEG-2 transport packets are no longer "encapsulated in the network protocol" or, in other words, no longer "an encoded message." Thus, whatever operations are performed on the extracted MPEG-2 transport packets are not being performed on an encoded message.

To prevent incorrect interpretation of the claim language, claims 39, 41, 58 and 60 have been amended to recite "cryptographically processing the encoded message (...), without decoding the encoded message, to form a cryptographically processed message" (claim 39, lines 5-6; claim 41, lines 5-6; claim 58, lines 8-9; and claim 60, lines 9-10, with the ellipsis (...) applying only to claim 41). Claim 61 has been added reciting that "as recited in claim 28 the at least one cryptographic process is performed on the encoded message, not a decoded message obtained from the encoded message, to form the cryptographically processed message" and claim 62 has been added reciting that "as recited in claim 31 the at least one cryptographic process is performed on the encoded message, not a decoded message obtained from the encoded message, to form the cryptographically processed message." If the Examiner is not persuaded by the arguments above that claims 28 and 31 require subjecting the encoded message, not a decoded message, to at least one cryptographic process, then at least claims 61 and 62 must be properly interpreted.

For the above reasons, it is submitted that claims 28, 30, 39 and 41, as well as claims 35, 42, 45, 50 and 52 which depend therefrom, patentably distinguish over Wasilewski et al. in view Valizadeh et al.

As discussed in the October 6, 2005 Amendment regarding claims 29 and 40, Wasilewski et al. discloses that "[a]fter the program bearing MPEG-2 transport packets are decrypted by the broadband interface processor 190 the packets are output ... [to] MPEG-2 multimedia processor 198" (column 23, lines 25-29). There is no suggestion in this description of how the program bearing MPEG-2 transport packets are processed that any "decoding the inversely cryptographically processed message by another application executing on the computer according to the encoding format of the network protocol used in said decoding of the cryptographically processed message" (e.g., claim 29, last 3 lines) occurs. Since the processing described in column 23 of Wasilewski et al. is the inverse of what is described in column 6,

Wasilewski et al. would only perform "decoding ... according to the encoding format of the network protocol" (e.g., claim 29, lines 4-5 and 11-12) on "the encoded, cryptographically processed message" (e.g., claim 29, line 4), not on "the inversely cryptographically processed message" (e.g., claim 29, line 11).

Since claim 40 recites "decoding the inversely cryptographically processed message by an application according to the encoding format of the network protocol" (claim 40, last 2 lines), it is submitted that claims 29 and 40, as well as claim 51 which depends from claim 40, patentably distinguish over Wasilewski et al. in view Valizadeh et al.

Claims 31-24 (presumably 34), 36-38, 46-49, and 53-60 were rejected as unpatentable over Wasilewski et al. in view Valizadeh et al. combined with one or both of Pfaff and Fujino et al. Nothing has been cited or found in either of Pfaff and Fujino et al. suggesting modification of Wasilewski et al. (with or without Valizadeh et al.) to include "cryptographically processing the encoded message, without decoding the encoded message, to form a cryptographically processed message" (claim 58, lines 8-9 and claim 60, lines 9-10) or "decoding the inversely cryptographically processed message by an application according to the encoding format of the network protocol" (claim 59, last 2 lines). Since claims 31-34, 36-38, 46-49 and 53-57 depend from claims 28-30 or 39-41, it is submitted that all of the claims distinguish over Wasilewski et al. in view Valizadeh et al. in view or any combination of Pfaff and Fujino et al., for the reasons discussed above with respect to claims 28-30 and 39-41.

Request for Examiner Interview Prior to Next Office Action

If the arguments and the amendments to the claims do not result in withdrawal of the rejections based on the prior art cited in the January 11, 2006 Office Action, the Examiner is respectfully requested to contact the undersigned to arrange an Examiner Interview prior to issuing another Office Action, to discuss what further amendments would be necessary to clarify the differences between the invention and the prior art.

Summary

It is submitted that the references cited by the Examiner do not teach or suggest the features of the present claimed invention. Thus, it is submitted that claims 28-62 are in a condition suitable for allowance. Reconsideration of the claims and an early Notice of Allowance are earnestly solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Serial No. 09/446,425

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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Date: 6/12/06

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